

IC 20-34-3

Chapter 3. Health and Safety Measures

IC 20-34-3-1

Rules

Sec. 1. (a) When the power to make rules for the administration of a section of this chapter or IC 20-34-4 is not specifically granted to a particular board or agency, the state department of health and the state board shall jointly adopt rules.

(b) A rule adopted under this chapter or IC 20-34-4 must comply with IC 4-22-2. However, the state department of health may prescribe forms for any reports required under this chapter or IC 20-34-4 without formal procedures.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-2

Religious objections

Sec. 2. (a) Except as otherwise provided, a student may not be required to undergo any testing, examination, immunization, or treatment required under this chapter or IC 20-34-4 when the child's parent objects on religious grounds. A religious objection does not exempt a child from any testing, examination, immunization, or treatment required under this chapter or IC 20-34-4 unless the objection is:

- (1) made in writing;
- (2) signed by the child's parent; and
- (3) delivered to the child's teacher or to the individual who might order a test, an exam, an immunization, or a treatment absent the objection.

(b) A teacher may not be compelled to undergo any testing, examination, or treatment under this chapter or IC 20-34-4 if the teacher objects on religious grounds. A religious objection does not exempt an objecting individual from any testing, examination, or treatment required under this chapter or IC 20-34-4 unless the objection is:

- (1) made in writing;
- (2) signed by the objecting individual; and
- (3) delivered to the principal of the school in which the objecting individual teaches.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-3

Exception for student's health

Sec. 3. If a physician certifies that a particular immunization required by this chapter or IC 20-34-4 is or may be detrimental to a student's health, the requirements of this chapter or IC 20-34-4 for that particular immunization is inapplicable for the student until the immunization is found no longer detrimental to the student's health.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-4

Medical inspection of student

Sec. 4. The governing body of a school corporation may provide for the inspection of students by a school physician to determine whether any child suffers from disease, disability, decayed teeth, or other defects that may reduce the student's efficiency or prevent the student from receiving the full benefit of the student's school work.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-5

Exemption from examination

Sec. 5. If the parent of a student furnishes a certificate of examination from an Indiana physician at the beginning of a school year, the student is exempt from any examination the governing body requires under section 4 of this chapter. The certificate of examination must state that the physician has examined the student and reported the results of the examination to the parent. The governing body may require a parent to periodically furnish additional certificates.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-6

School physicians and nurses

Sec. 6. (a) The governing body of a school corporation may appoint one (1) or more school physicians and one (1) or more nurses who are registered to practice nursing in Indiana.

(b) A nurse appointed under this section is responsible for emergency nursing care of students when an illness or accident occurs during school hours or on or near school property.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-7

Joint employment of physicians, health coordinators, or nurses

Sec. 7. (a) Two (2) or more school corporations may jointly employ one (1) physician, one (1) health coordinator, and one (1) or more nurses. School corporations may also employ the personnel jointly with a civil city or town.

(b) Arrangements under this section must be on terms agreeable to all school corporations involved.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-8

School physician duties

Sec. 8. A school physician shall promptly examine each student who is referred to the physician. The physician shall examine teachers and janitors and inspect school buildings to the extent required, in the physician's opinion, to protect the health of students

and teachers.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-9

Students found to be ill; medical care; readmission; appeals

Sec. 9. (a) If a student is ill, has a communicable disease, or is infested with parasites, the school principal may send the student home with a note to the student's parent. The note must describe the nature of the illness or infestation and, if appropriate, recommend that the family physician be consulted.

(b) If the parent of a student who is sent home under this section is financially unable to provide the necessary medical care, the medical care shall be provided by a public health facility. If a public health facility is not available, the township trustee or an appropriate governmental agency shall provide the necessary care.

(c) A student who is sent home under this section may be readmitted to the school:

(1) when it is apparent to school officials that the student is no longer ill, no longer has a communicable disease, or is no longer infested with parasites;

(2) upon certification of a physician that the student is no longer ill, no longer has a communicable disease, or is no longer infested with parasites;

(3) upon certification of a physician that the student has a communicable disease, but the disease is not transmissible through normal school contacts; or

(4) upon certification of a Christian Science practitioner, who is listed in The Christian Science Journal, that based on the practitioner's observation the student apparently is no longer ill, no longer has a communicable disease, or is no longer infested with parasites.

If school personnel disagree with the certifying physician or Christian Science practitioner as to whether the student should be readmitted to school, the local health officer shall determine whether the student may be readmitted to school.

(d) An individual who objects to the determination made by the local health officer under this section may appeal to the commissioner of the state department of health, who is the ultimate authority. IC 4-21.5 applies to appeals under this subsection.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-10

Sickle cell anemia tests

Sec. 10. (a) A sickle cell anemia test shall be administered to each student when the examining physician or school nurse determines that the test is necessary. The physician shall state on the examination form whether the test was given and, if it was, the result. All positive results shall be filed with the examining physician and the state department of health.

(b) The state department of health and the state board shall adopt joint rules concerning sickle cell anemia testing equipment, qualifications for sickle cell anemia testing personnel, and sickle cell anemia testing procedures.

(c) Records of all tests administered under this section shall be made and continuously maintained by the state department of health to provide information useful in protecting, promoting, and maintaining the health of students.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-11

Lead poisoning tests

Sec. 11. (a) The governing body of a school corporation may require students to be tested for lead poisoning.

(b) If a student's parent states in writing that the parent is financially unable to pay for a test under this section, the student shall be referred to the free clinic or public health facility in the area that provides services for indigents.

(c) The state department of health and the state board shall adopt joint rules concerning lead poisoning testing under this section.

(d) Records of all tests administered under this section shall be made and continuously maintained by the state department of health to provide information useful in protecting, promoting, and maintaining the health of students.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-12

Vision tests; records; report on information

Sec. 12. (a) For purposes of this section, "modified clinical technique" means a battery of vision tests that includes:

- (1) a visual acuity test to determine an individual's ability to see at various distances;
- (2) a refractive error test to determine the focusing power of the eye;
- (3) an ocular health test to determine any external or internal abnormalities of the eye; and
- (4) a binocular coordination test to determine if the eyes are working together properly.

(b) For purposes of this section, "vision screening" means the testing of visual acuity to determine an individual's ability to see at various distances using:

- (1) the Snellen chart;
- (2) Sloan letters;
- (3) HOTV; or
- (4) LEA symbol optotypes;

at a distance of either ten (10) or twenty (20) feet for distance vision, depending on the calibration of the chart being used, and a distance of fourteen (14) inches for near vision.

(c) The modified clinical technique shall be performed by an

ophthalmologist licensed as a physician under IC 25-22.5 or an optometrist licensed under IC 25-24.

(d) The governing body of each school corporation shall conduct a vision test for each student enrolling in or transferring into:

- (1) either kindergarten or grade 1;
- (2) grade 3;
- (3) grade 5; and
- (4) grade 8;

and for each student suspected of having a visual defect.

(e) The vision test for students in kindergarten and grade 1 shall be conducted using the modified clinical technique unless a waiver is granted under section 13 of this chapter. If a waiver is granted for a school corporation, the governing body shall conduct a vision screening upon each student's enrollment in kindergarten or grade 1.

(f) Each student described in subsection (d)(2), (d)(3), and (d)(4), and each student suspected of having a visual defect shall be tested using a vision screening of the student's visual acuity.

(g) The following standards apply for a vision screening under subsections (e) and (f):

(1) A student in kindergarten or grade 1 who is unable to read with each eye the 20/30 line of the Snellen chart or the 20/32 line of the Sloan letters, HOTV, or LEA symbol optotypes shall be recommended for further examination based upon the recommendation of the individual performing the screening.

(2) A student:

(A) in grade 3, grade 5, or grade 8; or

(B) suspected of having a visual defect;

who is unable to read with each eye the 20/30 line of the Snellen chart or the 20/32 line of the Sloan letters shall be recommended for further examination based upon the recommendation of the individual performing the screening.

(h) Records of all tests shall be made and continuously maintained by the school corporation to provide information useful in protecting, promoting, and maintaining the health of students. The state department of health and the state board shall adopt joint rules concerning vision testing equipment, qualifications of vision testing personnel, visual screening procedures, and criteria for failure and referral in the screening tests based on accepted medical practice and standards.

(i) The school corporation's governing body and the superintendent shall receive annually the following information concerning the tests conducted under this section:

- (1) The number of students tested by grade.
- (2) The number of students by grade who were tested using the modified clinical technique.
- (3) The number of students by grade who were tested using a vision screening.
- (4) The number of students by grade who passed a test.
- (5) The number of students by grade who failed a test or were

referred for further testing.

(6) The name of the individual or department that supervised the testing.

(j) Each school corporation shall annually provide to the department, for each school within the school corporation, the following information concerning the tests conducted under this section:

- (1) the number of students tested by grade;
- (2) the number of students by grade who were tested using the modified clinical technique;
- (3) the number of students by grade who were tested using a vision screening;
- (4) the number of students who passed a test by grade; and
- (5) the number of students who failed a test or who were referred for further testing.

(k) Not later than October 1 each year, the department shall report for the previous school year:

- (1) a compilation of the information received from school corporations under subsection (j);
- (2) information received under section 13 of this chapter, including:
 - (A) the number of school corporations that applied for a waiver;
 - (B) the number of waivers approved;
 - (C) the number of waivers denied;
 - (D) the name of each school corporation that applied for a waiver and whether the waiver was approved or denied; and
 - (E) the reason for the approval or denial;
- (3) the total number of students eligible for testing; and
- (4) the total number of students tested;

to the legislative council in electronic format under IC 5-14-6.

As added by P.L. 1-2005, SEC.18. Amended by P.L. 161-2009, SEC.3; P.L. 89-2013, SEC.1.

IC 20-34-3-13

School corporation waiver of vision tests; records of waiver requests

Sec. 13. (a) If a school corporation is unable to comply with section 12(e) of this chapter, the governing body may, before November 1 of a school year, request from the state superintendent a waiver of the requirements of section 12(e) of this chapter.

(b) The waiver request under subsection (a) must:

- (1) be in writing;
- (2) include the reason or reasons that necessitated the waiver request; and
- (3) indicate the extent to which the governing body attempted to comply with the requirements under section 12(e) of this chapter.

(c) The state superintendent shall take action on the waiver request

not later than thirty (30) days after receiving the waiver request.

(d) The state superintendent may:

- (1) approve the waiver request;
- (2) deny the waiver request; or
- (3) provide whatever relief that may be available to enable the school corporation to comply with the requirements under section 12(e) of this chapter.

(e) If the state superintendent approves the waiver request, the governing body shall conduct an annual screening test of the visual acuity of each student upon the student's enrollment in or transfer to grade 1.

(f) The governing body of each school corporation shall make and maintain records of all waivers requested by the governing body under this section.

(g) The state superintendent shall make and continuously maintain records of all actions taken by the state superintendent concerning all waivers requested under this section.

(h) A request for a waiver under this section must be made annually.

As added by P.L.1-2005, SEC.18. Amended by P.L.161-2009, SEC.4; P.L.89-2013, SEC.2.

IC 20-34-3-14

Hearing tests

Sec. 14. (a) The governing body of each school corporation shall annually conduct an audiometer test or a similar test to determine the hearing efficiency of the following students:

- (1) Students in grade 1, grade 4, grade 7, and grade 10.
- (2) A student who has transferred into the school corporation.
- (3) A student who is suspected of having hearing defects.

(b) A governing body may appoint the technicians and assistants necessary to perform the testing required under this section.

(c) Records of all tests shall be made and continuously maintained by the school corporation to provide information that may assist in diagnosing and treating any student's auditory abnormality. However, diagnosis and treatment shall be performed only on recommendation of an Indiana physician who has examined the student.

(d) The governing body may adopt rules for the administration of this section.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-15

Repealed

(As added by P.L.1-2005, SEC.18. Amended by P.L.141-2006, SEC.95. Repealed by P.L.233-2015, SEC.271.)

IC 20-34-3-16

Repealed

(As added by P.L.1-2005, SEC.18. Repealed by P.L.4-2007,

SEC.1.)

IC 20-34-3-17

AIDS information; contents; consent to distribute

Sec. 17. (a) The state board shall provide information stressing the moral aspects of abstinence from sexual activity in any literature that it distributes to students and young adults concerning available methods for the prevention of acquired immune deficiency syndrome (AIDS). The literature must state that the best way to avoid AIDS is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship.

(b) The state board may not distribute AIDS literature described in subsection (a) to students without the consent of the governing body of the school corporation the students attend.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-18

Release of medication

Sec. 18. (a) This section does not apply to medication possessed by a student for self-administration under IC 20-33-8-13.

(b) Medication that is possessed by a school for administration during school hours or at school functions for a student may be released to:

- (1) the student's parent; or
- (2) an individual who is:
 - (A) at least eighteen (18) years of age; and
 - (B) designated in writing by the student's parent to receive the medication.

(c) A school corporation may send home medication that is possessed by a school for administration during school hours or at school functions with a student if the student's parent provides written permission for the student to receive the medication.

As added by P.L.1-2005, SEC.18. Amended by P.L.76-2005, SEC.4.

IC 20-34-3-19

Eye protection devices

Sec. 19. (a) Each public school student and teacher shall wear industrial quality eye protective devices at all times while participating in any of the following courses:

- (1) Career and technical education involving experience with:
 - (A) hot molten metals;
 - (B) milling, sawing, turning, shaping, cutting, or stamping of any solid material;
 - (C) heat treatment, tempering, or kiln firing of any metal or material;
 - (D) gas or electric arc welding;
 - (E) repair or servicing of any vehicle; or
 - (F) caustic or explosive materials.

(2) Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

(b) Eye protective devices are of industrial quality if the devices meet the standards of the American standard safety code for head, eye, and respiratory protection, Z2.1-1959, promulgated by the American Standards Association, Inc.

As added by P.L.1-2005, SEC.18. Amended by P.L.234-2007, SEC.120.

IC 20-34-3-20

Emergency preparedness drills

Sec. 20. (a) The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic emergency preparedness drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board.

(b) Each school and attendance center shall conduct at least:

(1) one (1) tornado preparedness drill; and

(2) one (1) manmade occurrence disaster drill;

during each semester.

(c) Notwithstanding rules established by the state fire marshal under IC 12-17-12-19, a drill conducted under subsection (b) may be conducted instead of a periodic or monthly fire evacuation drill requirement established by the state fire marshal. However, a drill conducted under subsection (b) may not be made:

(1) instead of more than two (2) periodic or monthly fire evacuation drills in a particular school semester; and

(2) in two (2) consecutive months.

(d) The governing body of a school corporation may direct schools to conduct emergency preparedness drills in addition to those required under subsection (b).

(e) The governing body of a school corporation shall require each principal to file a certified statement that all drills have been conducted as required under this section.

As added by P.L.1-2005, SEC.18. Amended by P.L.132-2007, SEC.8; P.L.103-2015, SEC.1.

IC 20-34-3-21

Memorandum of understanding between school corporation and community mental health center or provider; referrals; documentation; diagnosis

Sec. 21. (a) Before July 1, 2016, each school corporation may enter into a memorandum of understanding with a community mental health center established under IC 12-29-2 or a provider certified or licensed by the division of mental health and addiction to establish conditions or terms for referring students of the school corporation to the mental health care provider or community mental health center for services.

(b) A school corporation may not refer a student to a mental health care provider or a community mental health center for services unless

the school corporation has received the written consent of the student's parent or guardian.

(c) If a school corporation refers a student to a mental health care provider, the school corporation may note the referral in the student's cumulative record but may not include any possible diagnosis or information concerning the student's mental health other than any medication that the student takes for the student's mental health. A student record that contains medical information must be kept confidential.

(d) A school counselor or other employee of a school corporation may not diagnose a student as having a mental health condition unless the individual's scope of practice includes diagnosing a mental health condition.

As added by P.L.185-2015, SEC.20.